

EXHIBIT Q

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,)	CIVIL ACTION
Plaintiff,)	NO. 1:16-cv-03088-ELR
)	
vs.)	
)	
STATE OF GEORGIA,)	
)	
Defendants.)	
- - - - -)	

VIDEOTAPE DEPOSITION OF
CLARA KEITH BROWN

Tuesday, June 7, 2022, 9:18 a.m., EST

HELD AT:

Robbins Alloy Belinfante Littlefield LLC
500 14th Street, N.W.
Atlanta, Georgia 30318

WANDA L. ROBINSON, CRR, CCR, No. B-1973
Certified Shorthand Reporter/Notary Public

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1 Q And when you say program director for the
2 GNETS program, who was Ms. Rahming's employer?

3 A She was the Georgia -- she was an employee
4 of the Georgia Department of Education.

5 Q You note in this email, you say: "I think
6 it is important for the GNETS to understand the goal
7 of the GNETS program is to transition students back
8 to their LRE and as much as possible, in the general
9 education program."

10 Have I read that correctly?

11 A Yes, you read it correctly.

12 Q What is LRE?

13 A LRE is least restrictive environment.

14 Q And what does that mean?

15 A Least restrictive environment. That
16 wherever possible the student is in the general
17 education classroom with his or her peers, with
18 support services in that classroom, depending on the
19 needs of the students. It may -- they may need
20 different services depending on what you identified
21 in the IEP.

22 THE VIDEOGRAPHER: Can we take a quick
23 break.

24 We're off the record at 9:44 a.m.

25 (A recess was taken.)

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1 THE VIDEOGRAPHER: We're back on the
2 record at 9:49 a.m.

3 BY MS. GARDNER:

4 Q Ms. Keith Brown, before we went off the
5 record we were talking about least restrictive
6 environment, right?

7 A Yes.

8 Q Am I correct in understanding from your
9 response that the baseline for least restrictive
10 environment is the general education classroom?

11 A Yes.

12 Q And the further a student is moved away
13 from the general education classroom, the more the
14 restrictive the environment is considered?

15 A Yes.

16 Q Here in your email you say: "The goal of
17 the GNETS program is to transition students back to
18 their LRE and as much as possible, in the general
19 education program," right?

20 A Correct.

21 Q When you say "as much as possible," "the
22 general education program," are you identifying the
23 general education program as the ideal?

24 A Yes.

25 Q And would you agree that the GNETS program

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1 A Yes.

2 Q And what does that refer to?

3 A So that would have been Nakeba's project,
4 and she would have been updating me on data
5 collection. I don't recall the specific data
6 collection that she's referring here, but that would
7 have been Nakeba's responsibility.

8 Q Okay. So the data collection progress was
9 a project of Ms. Rahming's?

10 A Yes.

11 Q And in this meeting she would have just
12 been providing you with updates on how that project
13 was coming along?

14 A Correct. And I would have been providing
15 her my guidance on who she needed to talk to to make
16 that happen, if she needed my help.

17 Q Now, the strategic plan that's mentioned
18 here, whose project was that?

19 A That would have been Nakeba's project.

20 Q And what was then your role in the
21 strategic plan?

22 A I would -- I'm sorry.

23 I would have been there to provide
24 guidance, answer questions that I had knowledge
25 about, give -- an example would be if the State

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1 A No.

2 MS. GARDNER: I am handing the court
3 reporter a document that I would like to have
4 marked as Plaintiff's Exhibit 63.

5 (WHEREUPON, Plaintiff's Exhibit-63 was
6 marked for identification.)

7 BY MS. GARDNER:

8 Q The court reporter has handed you
9 Plaintiff's Exhibit 63. This is an email from you
10 to an email address that appears to be Debbie Gay's,
11 with the subject "Interview Questions."

12 And the first page of this is
13 Bates-stamped GA00481478.

14 A Yes.

15 Q Am I correct that this was in fact sent to
16 Debbie Gay?

17 A Yes.

18 Q You sent this email on October 6, 2015?

19 A Yes.

20 Q There is one attachment to this email, a
21 Word document with the title "Interview Questions
22 GNETS Position."

23 Is that right?

24 A Yes.

25 Q Is the GNETS position that the attachment

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1 title references the one that Ms. Rahming was hired
2 to fill?

3 A Yes.

4 Q So I believe you said earlier you were
5 involved in developing the interview questions for
6 the hiring of that position?

7 A Yes.

8 Q And am I correct that in this email you
9 are forwarding that list of interview questions to
10 Ms. Gay?

11 A Correct.

12 Q If you will turn to the attachment, the
13 first page of which is Bates-stamped GA00481479.

14 The second question down you say:
15 "Describe your experiences with accessing the status
16 of a program, documenting results, recommending
17 changes, and improvement based on research and
18 evaluation data."

19 Do you see that?

20 A Yes.

21 Q That was one of the interview questions
22 for Ms. Rahming's position?

23 A Yes.

24 Q Why did you include this question in the
25 set of questions for the interview?

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1 determined that GNETS needed any professional
2 learning in the rule or any component or aspect of
3 the rule, to provide that leadership to ensure that
4 it happened.

5 Q Any other ways in which you understood the
6 GNETS director was to provide general supervision of
7 the State's GNETS program?

8 A Not any specific things, no.

9 Q Moving to the next question, you include
10 "What is the State's role in implementing the GNETS
11 program?"

12 Do you see that?

13 A Yes.

14 Q What were you looking for from interview
15 candidates in response to this question?

16 A I wanted to make sure that the person we
17 hired for this position knew that the State did not
18 control or administer the GNETS; that the GNETS were
19 independent of the Georgia Department of Education
20 in the sense that they have the directors. Their
21 directors did not report to anyone at the Georgia
22 Department of Education, but that the Georgia
23 Department of Education did have a State Board of
24 Education rule and it did have guidance on how to
25 implement that rule.

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1 And I thought that it would be very
2 important for the person to have done their research
3 on that model and to understand that while you're
4 not supervising the directors directly, the State
5 has a Board of Education rule and GNETS have to
6 abide by that rule.

7 Q Moving down to the last question on this
8 page, and you include -- it says, "Share your
9 thoughts on the relationship between instruction and
10 therapeutic support."

11 Do you see that?

12 A Yes.

13 Q What were you looking for from interview
14 candidates in response to this prompt?

15 A It was my goal that this is where we would
16 learn candidates' experience with a continuum of
17 support, a multitiered system of support, because if
18 they understood that students receiving the
19 therapeutic support as -- included in their IEP,
20 that they would be -- "they" being the students --
21 would be successful in their learning. And if
22 teachers understood the connection between
23 therapeutic support and instruction, then we would
24 have a system where students would get the support
25 that they need and the instruction would, would -- a

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1 student would then be successful.

2 Q So is it fair to say that in terms of a
3 sufficient answer to this question that you viewed
4 there being a relationship between instruction and
5 therapeutic support such that therapeutic support
6 was a prerequisite, if you will, to students within
7 the GNETS program receiving effective instruction?

8 A Yes.

9 Q Turning to Page 2 of -- and the second
10 question down on that page, you include the
11 question: "What qualities do you think a manager
12 implementing a large-scale program with political,
13 local school/school district, state (and perhaps
14 national) interest should possess?"

15 Do you see that?

16 A Yes.

17 Q What did you hope to learn by adding this
18 question?

19 A I wanted just the person's thinking and
20 understanding what an individual would have to know,
21 what competencies that person would have to have in
22 order to be successful in implementing a large-scale
23 program.

24 Q Am I correct in understanding that you
25 viewed the GNETS education program specialist as a

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1 meetings as opposed to statewide meetings.

2 If there were any professional learning
3 that was recommended for all GNETS directors, either
4 recommended for GNETS directors or recommended as a
5 Train The Trainer model, then that person would need
6 to secure the delivery of that professional
7 learning. That person would need to then actually
8 go on-site to ensure that the intended professional
9 learning is exactly what happened.

10 Q So the GNETS education program specialist
11 may have needed to travel on-site for purposes of
12 providing training? Is that one of the sort of
13 purposes of travel in this particular position?

14 A Yes.

15 Q And then I think you also mentioned in
16 situations where the education program specialist
17 may not have been providing the training themselves,
18 they might be on-site to ensure that the training
19 delivered was actually what was supposed to be
20 delivered?

21 A Yes.

22 Q Did the GNETS education program specialist
23 travel on-site to assess programs in any way?

24 A Yes.

25 Q And sort of what was the nature of the

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1 assessment that the education program specialist
2 might travel to GNETS programs for?

3 A The GNETS were required to complete the
4 strategic plan. There is an assessment partner. So
5 the GNETS person would have gone on-site to have a
6 discussion about that rating.

7 Q And when the GNETS education program
8 specialist went on-site to have a discussion about
9 that rating, was the education program specialist
10 looking at anything to determine whether that rating
11 was accurate?

12 A I hesitate because I did not see any data,
13 for example, that the -- that the specialist would
14 have -- that Nakeba in this particular case would
15 have pulled, but -- so I can't say for certain that
16 that is exactly what happened.

17 Q Okay. Was there any out-of-state travel
18 required for or contemplated for the education
19 program specialist?

20 A I don't recall.

21 MS. GARDNER: I'm handing the court
22 reporter what I would like to request be marked
23 as Plaintiff's Exhibit 64.

24 (WHEREUPON, Plaintiff's Exhibit-64 was
25 marked for identification.)

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1 question is both." Is that correct?

2 A Yes.

3 Q Then you go on to say: "The position is a
4 newly funded position but expectation is this
5 position will provide direct leadership and indirect
6 supervision to the GNETS. Some of the operations
7 details are still left to be worked out, thus the
8 reason we stressed the person filling this position
9 will need to be flexible."

10 A Yes.

11 Q In what ways was the expectation that the
12 position would provide direct leadership to the
13 GNETS?

14 A Direct leadership for implementing or
15 adhering to the State Board of Education GNETS rule,
16 and following the guidance that was developed for
17 that rule.

18 Q Any other ways?

19 A That's my best answer.

20 Q In what ways was the expectation that the
21 position would provide indirect supervision to the
22 GNETS?

23 A Yes. Indirect because GNETS directors did
24 not report to anyone at the Georgia Department of
25 Education, but the State Board of Education rule

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1 following the guidance as outlined in the manual, as
2 well as working on the strategic plan and evaluating
3 each, each director evaluating the services that
4 were provided through GNETS, this person would have
5 -- Nakeba would have been directly responsible for
6 that.

7 THE VIDEOGRAPHER: I'm sorry, we need to
8 take another break.

9 Off the record at 12:05 p.m.)

10 (A recess was taken.)

11 THE VIDEOGRAPHER: We're back on the
12 record at 12:09 p.m.

13 BY MS. GARDNER:

14 Q We were discussing the email that Ms.
15 Rahming sent to you after interviewing with the
16 Georgia Department of Education for the position
17 that she was ultimately hired into.

18 Ms. Rahming includes in her email a third
19 question that she remembered after her interview.

20 Do you see that?

21 A Yes.

22 Q And that question is: "What are your
23 short and long-term expectations of the hired
24 candidate?"

25 A Yes.

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1 provided her contact information for the GNETS as
2 well.

3 Q The strategic plan that you mentioned was
4 one of Ms. Rahming's projects. Had that been
5 started at the time that you were assisting Ms.
6 Rahming in sort of getting her bearings within the
7 Department of Education?

8 A Yes.

9 Q Who started that prior to Ms. Rahming
10 arriving?

11 A She would have started that.

12 Q She would have started that when she
13 arrived?

14 A Yes.

15 Q In discussing the calendar invitation we
16 looked at earlier for the meeting between you and
17 Ms. Rahming that outlined the four areas in which
18 Ms. Rahming was providing updates to you, do you
19 recall that?

20 A Yes.

21 Q And you can look back if you would like.
22 One of the things listed was an outline
23 for service delivery model. Do you recall that?

24 A Yes, I do.

25 Q What is a service delivery model?

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1 therapeutic services were being provided in regional
2 units' programs?

3 A I did not know that.

4 MS. GARDNER: I'd like to ask the court
5 reporter to mark this document as Plaintiff's
6 Exhibit 71.

7 (WHEREUPON, Plaintiff's Exhibit-71 was
8 marked for identification.)

9 BY MS. GARDNER:

10 Q The court reporter has handed you what is
11 marked as Plaintiff's Exhibit 71. This is an email
12 from Nakeba Rahming to you dated June 24, 2016. The
13 subject is "Therapeutic Supports."

14 The first page of the email is
15 Bates-stamped GA00197223.

16 This is an email that you received from
17 Ms. Rahming?

18 A Yes.

19 Q And am I correct if you look at the very
20 first page, in the Attachments field, this email
21 included two attachments?

22 A Yes.

23 Q If you turn to the first attachment, which
24 has the Bates No. ending in 7224, do you see that?

25 A Yes.

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1 Q What is the heading at the top of this
2 document?

3 A "Reviews for clinical staff within a
4 therapeutic setting to serve students."

5 Q Were you involved in preparing this
6 document?

7 A I don't recall specifically being involved
8 in preparing this document.

9 Q But you received this document from Ms.
10 Rahming in the context of this email?

11 A Yes, I did.

12 Q Am I correct that in this email Ms.
13 Rahming is asking -- is saying she will call to
14 discuss feedback on these documents?

15 A Yes.

16 Q If you look at the first paragraph of this
17 document, it says: "In an effort to validate the
18 decisions around GNETS provision of therapeutic
19 services for students, a comprehensive review of
20 other identified therapeutic schools were
21 researched."

22 Do you see that?

23 A Yes.

24 Q Then further down in that paragraph, it
25 says: "The programs reviewed and the makeup of

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1 their clinical staff serve as a basis to compare the
2 makeup of the clinical staff at each of the 24 GNETS
3 programs."

4 Do you see that?

5 A Yes.

6 Q This first paragraph goes on to say:
7 "Based on this comparison, it was determined whether
8 or not identified GNETS programs were staffed to
9 provide therapeutic/behavioral service to students
10 with significant Emotional/Behavioral needs like
11 other therapeutic programs."

12 Do you see that?

13 A Yes.

14 Q So this is a document that Ms. Rahming is
15 providing to you for feedback, and it has to do with
16 the review of clinical staff at regional GNETS
17 programs and whether those programs are staffed to
18 provide therapeutic and behavioral services to
19 students?

20 A Yes.

21 Q The bottom portion of this document
22 identifies three schools outside of Georgia that
23 have therapeutic components; is that right?

24 A Yes.

25 Q And for each of these schools it lists the

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1 number of students served in the school, right?

2 A Yes.

3 Q And it also lists the number of clinical
4 staff in the school?

5 A Yes.

6 Q In each section it provides a breakdown of
7 those clinical staff in terms of the kinds of
8 clinical staff at the school?

9 A Yes.

10 Q And do I understand correctly from this
11 document that this information was used as a
12 reference point for comparing the makeup of clinical
13 staff at each of the 24 regional GNETS programs?

14 A According to what's written here, yes.

15 Q Do you have any reason to think that
16 what's written here is not accurate?

17 A No.

18 Q Just under the first paragraph in this
19 first attachment, it says: "Information was
20 triangulated from the GNETS Grant Applications,
21 GNETS Directors Interviews and other Therapeutic
22 programs."

23 What do you understand that to mean?

24 A I'm not sure I understand your question.

25 Q I'm trying to understand what that means.

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1 And you received this document. You
2 worked with Ms. Rahming. So I'm asking, did you
3 have any understanding when you received this as to
4 what was being communicated here?

5 A She was looking at the data that she
6 listed below, looking at the ratio, therapeutic
7 services and staff provided at GNETS. She talked to
8 GNETS directors, and she looked at other therapeutic
9 programs and pulled all of that information
10 together.

11 Q Okay. At bottom of this document it says:
12 "Please see the attached document with an overview
13 of clinical staff serving each GNETS program for the
14 2015-2016 school year."

15 Do you see that?

16 A Yes.

17 Q So if you could turn to the second
18 attachment, and the first page of that is Bates No.
19 GA 00197225.

20 What is the heading at the top of this
21 document?

22 A "Analysis of clinical staff available to
23 provide direct therapeutic/behavior support to
24 students in GNETS programs."

25 Q Can you walk me through what this document

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1 shows?

2 A The Fiscal Agent, the Site, the Clinical
3 Staff, the LEA Funded clinical staff, Contracted
4 Clinical Staff, total number of students served, the
5 ratio of staff to student, Clinical Support,
6 Directors Interviews as of 6/16/2016.

7 Q And those are the headings for every
8 column that move from left to right in the document
9 on the first page?

10 A Yes.

11 Q This document identifies in the site
12 column each of the 24 regional GNETS programs; is
13 that right?

14 A 23. Maybe -- I want to make sure.
15 Yes, yes.

16 Q And when you say yes, yes, did you count?

17 A There's 24. I did.

18 Q And for each of the 24 regional GNETS
19 programs, this chart contains information that falls
20 into those categories of the columns that you read a
21 few moments ago?

22 A Yes.

23 Q Some of the rows on this document are
24 highlighted in a very dark shade as compared to
25 others. Do you see that?

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1 A Yes.

2 Q What is the significance of that shading?

3 A I don't recall.

4 Q Are each of the GNETS programs that are
5 shaded in the darkest color have the text "very
6 concerning" in the column that's titled, "Clinical
7 Support."

8 A Yes.

9 Q And the information in the Clinical
10 Support column, is this a qualitative assessment
11 about the clinical staff at a particular regional
12 GNETS program based on the total number of students
13 served and the ratio of clinical staff to students
14 that's contained in this chart?

15 A I'm not sure if that was the reason it was
16 labeled "concerning" or "very concerning." I don't
17 have that knowledge.

18 Q If you turn to the second page of this
19 document, am I correct there's a legend at the
20 bottom on the right-hand side, has the heading
21 "GNETS Programs?"

22 Do you see that?

23 A Yes.

24 Q Is this the legend that explains when
25 programs were rated very concerning?

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1 A This is an explanation of the ratings.

2 Q Okay. If you turn to the very last page
3 of that attachment, the text on the right half of
4 the document, is this basically a summary narrative
5 of the take-aways of this analysis of clinical staff
6 at regional GNETS programs?

7 A Yes.

8 Q In that summary, am I correct that it
9 says, "Compared to other therapeutic models, many of
10 the GNETS programs are operating below the expected
11 student clinical staff ratio for therapeutic
12 services"?

13 A Yes.

14 Q Moving down to the second paragraph below,
15 it says: "Digging deeper, some of the expected
16 clinical services are being provided by
17 non-credentialed personnel trained by GNETS and/or
18 credentialed in another without formal training or
19 certification to deliver counseling services."

20 A Yes.

21 Q And then in the middle of the last
22 paragraph, it notes that "the major reason for using
23 non-credentialed and under qualified staff are that
24 it is most cost effective or it is all the program
25 can afford due to budget limitations"?

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1 A Yes.

2 MS. GARDNER: I'd like to have the court
3 reporter mark this document as Plaintiff's
4 Exhibit 72.

5 (WHEREUPON, Plaintiff's Exhibit-72 was
6 marked for identification.)

7 BY MS. GARDNER:

8 Q You've been handed Plaintiff's Exhibit 72.
9 This is an email from Nakeba Rahming to you dated
10 July 13, 2017. The subject is "FY18 Therapeutic
11 Staff Assurance."

12 And this email has the Bates stamp
13 GA00198908.

14 This is an email that you received from
15 Ms. Rahming?

16 A Yes.

17 Q And in it she says to you: "Please review
18 and let me know your thoughts. We can work on edits
19 tomorrow."

20 A Yes.

21 Q Ms. Rahming attaches a document to this
22 email that -- at least the file name document
23 appearing on the email page is FY18 Therapeutic
24 Staff Assurances?

25 A Yes.

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1 Q Correct? Okay.

2 If you take a look at the attachment,
3 which is Bates-stamped GA00198909; when Ms. Rahming
4 says that you can work on edits tomorrow, she's
5 referring to edits to this attachment?

6 A Yes.

7 Q What was the purpose of this form?

8 A The purpose of this form was to get
9 assurances from the fiscal agent that funds provided
10 through the GNETS grant would be used for the
11 purposes of providing and/or enhancing therapeutic
12 support services at GNETS.

13 Q So this was a document that would be
14 signed if a GNETS, a regional GNETS program were
15 receiving funds for a service agreement with the
16 provider of clinical services to students?

17 A Say that again.

18 Q Yeah. I'm just clarifying to make sure I
19 understand, this was a document that a regional
20 GNETS program would sign if they were receiving
21 funds for a service agreement basically with a
22 provider of clinical services to GNETS students?

23 A No. This is a form that the fiscal agent
24 would sign to assure the Georgia Department of
25 Education that those funds would be used to provide

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1 or enhance educational and therapeutic supports at
2 the GNETS.

3 Q Okay. So this form would be signed by the
4 fiscal agent?

5 A Correct.

6 Q This form would also be signed by the
7 GNETS director?

8 A Yes.

9 Q And the form was in connection with funds
10 provided to ensure that -- this says temporary
11 therapeutic services. Am I understanding that
12 right?

13 A Yes, you are.

14 Q If you look on the document, in the text
15 that appears in connection with No. 1 -- these are
16 the list of assurances that are being given in this
17 document, right?

18 There's an enumerated list of six of them?

19 A Yes.

20 Q And the first one says, "The fiscal agent
21 will enter no a temporary staffing service agreement
22 with a state approved therapeutic staffing service
23 provider for the current school year"?

24 A Yes.

25 Q So one of the assurances that was required

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1 to be provided was that the fiscal agent entered
2 into a temporary staffing service agreement with a
3 therapeutic staffing service provider that was state
4 approved?

5 A Yes.

6 Q And when this says state approved, is that
7 approval by the Georgia Department of Education?

8 A To my knowledge, no, I do not think the
9 Georgia Department of Education had a list of
10 approved therapeutic staffing services.

11 Q Who decided whether a therapeutic staffing
12 service was state approved?

13 A I don't know the answer to that.

14 Q Moving down, another of the assurances was
15 that the GNETS director would provide data to the
16 Georgia Department of Education with, quote,
17 "caseloads, social-emotional progress monitoring
18 data, and fidelity of therapeutic sessions provided
19 by the contracted therapeutic professional."

20 A No. 4, yes.

21 Q No. 5?

22 A Yes.

23 Q Did you provide Ms. Rahming with any
24 feedback on this document?

25 A I don't recall.

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1 MS. GARDNER: I'm going to hand the court
2 reporter what I would like to be marked as
3 Plaintiff's Exhibit 74.

4 (WHEREUPON, Plaintiff's Exhibit-74 was
5 marked for identification.)

6 BY MS. GARDNER:

7 Q The court reporter has handed you
8 Plaintiff's Exhibit 74. This is an email from
9 Nakeba Rahming to you dated August 22nd, 2017. The
10 subject is "Please provide feedback."

11 The Bates-stamp on this document is
12 GA00198949.

13 This is an email that Ms. Rahming sent to
14 you?

15 A Yes.

16 Q Keeping with our discussion about clinical
17 staff and regional GNETS programs, the first sort of
18 set of text with hashmarks in front of them, if you
19 see that, says: "The GADOE has identified gaps in
20 clinical staff (i.e., certified or licensed social
21 workers and psychologists) to provide intensive
22 individualized therapeutic to students served by
23 GNETS."

24 Do you see that?

25 A Yes.

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1 Q And then just beneath that, it says:
2 "Based on this information, GaDOE has approved
3 therapeutic staffing agencies to contract with GNETS
4 fiscal agents to fill these identified gaps."

5 Do you see that?

6 A Yes.

7 Q We discussed earlier in the context of the
8 assurances that we looked at that there were
9 therapeutic staffing agencies that had to be
10 approved. Do you recall that?

11 A Yes.

12 Q And am I correct in understanding from
13 this particular document that it says that GaDOE has
14 approved those therapeutic staffing agencies?

15 A Yes.

16 Q The bottom of this email, it notes two
17 options for fiscal agents to consider.

18 Do you see that?

19 A Yes.

20 Q The first one says, "The fiscal agent may
21 receive a reimbursement from GaDOE for provision of
22 clinical therapeutic related services only when
23 entering into an agreement with a GaDOE approved
24 provider."

25 A Yes.

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1 Q So again in the assurances that we looked
2 at, the reimbursement for therapeutic services only
3 applied in the event the physical agent entered into
4 an agreement with the provider that the Georgia
5 Department of Education had approved?

6 A Correct.

7 Q There's a second option here that says:
8 "The fiscal agent may determine how therapeutic
9 services such as skills-based interventions would be
10 provided by non-certified personnel as well as
11 clinical therapeutic related services for intensive
12 students by licensed/certified personnel without a
13 reimbursement from GaDOE."

14 What did you understand that option to
15 mean?

16 A I, I don't -- I don't know other than if
17 the fiscal agent was going to use its local funding
18 to pay for the services.

19 Q When you say local funding to pay for
20 service, so for -- you mentioned many of the fiscal
21 agents are RESAs. You're saying a RESA's own
22 budget?

23 A No, I'm not saying a RESA's own budget.
24 I'm saying the fiscal agent may have local funds
25 that they could use to provide these services.

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1 Q Did anyone else review or provide feedback
2 on the Strategic Plan & Self-assessment Guide?

3 A I'm not certain. She may have asked staff
4 in the Special Education Division to review it. But
5 I don't know. She may have asked GNETS as well, but
6 I can't specifically recall if that is a yes or a
7 no.

8 Q Okay. What did you understand the process
9 by which the content of this document was developed
10 to be?

11 A I believe a group of GNETS directors were
12 a part of the development of the strategic plan. I
13 know there were other key personnel in the Special
14 Education Department, specifically Debbie Gay.
15 There may have been other staff persons.

16 And I know that information from GNETS
17 program director -- GNETS directors, as well as
18 other information that Nakeba may have known, would
19 have got into the content of this strategic plan.

20 Q Did Ms. Rahming ultimately make the call
21 on sort of what finally would be included in this
22 Strategic Plan & Self-Assessment Guide?

23 A I think it was a collaborative decision
24 between -- I was a part of the decision-making.
25 Debbie Gay would have been part of the

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1 decision-making, Nakeba, and if I'm not mistaken, I
2 think the Strategic Planning Committee of the GNETS
3 group would have been a part of the final
4 decision-making as well.

5 So it would have been a collaborative
6 decision.

7 Q So I want to walk through this draft of
8 the Strategic Plan & Self-assessment Guide.

9 This is -- or is this a version of
10 strategic plan that Mr. Winter referred to as a
11 coaching tool in the email that we previously looked
12 at?

13 A Yes.

14 Q And am I correct in understanding that the
15 Strategic Plan & Self-assessment Guide is broken up
16 into sort of six primary sections?

17 A This draft has seven sections.

18 Q Does it have seven sections?

19 A Yes.

20 Q Oh. The last one is facilities. Okay.

21 So there are seven primary sections that
22 the Strategic Plan & Self-Assessment Guide is broken
23 up into?

24 A Yes.

25 Q At least this draft?

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1 A Correct.

2 Q And then within each of the sections of
3 the Strategic Plan & Self-Assessment Guide there is
4 an identified goal related to that section; is that
5 right?

6 A Correct.

7 Q And then beneath the goal there are
8 enumerated action items related to that goal?

9 A Correct.

10 Q And then this strategic plan identifies
11 the frequency with which those action items should
12 be done?

13 A Correct.

14 Q It also identifies the person responsible
15 for those action items?

16 A Correct.

17 Q It contains a column that's titled,
18 "Activities." What is that for?

19 A It is a list of the activities expected to
20 happen as a result of the action items.

21 Q Okay. And what about Measure/
22 Documentation? What is that?

23 A It is the documentation that would need to
24 be provided to document that the activities action
25 items goals, goals were met.

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1 Q And when you say would need to be
2 provided, provided to who?

3 A If -- actually, the GNETS would have
4 needed to make sure that they maintained that
5 documentation and provide it to Nakeba if she
6 requested that information.

7 Q The strategic plan also identifies the
8 resources that are needed for the enumerated action
9 items?

10 A Yes.

11 Q And then on the far right there is a
12 section that's titled "Rating Scale," right?

13 A Correct.

14 Q And is this a rating as to whether the
15 action item has been met?

16 A Yes.

17 Q For each item that's rated, there are
18 three potential ratings offered in the strategic
19 plan? Is that correct?

20 A Yes.

21 Q And what are those ratings?

22 A Not evident, emerging, and operational.

23 Q And am I correct that the legend that
24 tells you what evident, emerging and operational
25 means appears on the very first page of the

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1 Strategic Plan & Self-assessment Guide?

2 A You are correct.

3 Q How would programs be rated in the areas
4 identified by this Strategic Plan & Self-assessment
5 Guide?

6 A How would programs --

7 Q How would regional GNETS programs be rated
8 in the areas identified by this Strategic Plan &
9 Self-Assessment Guide?

10 A I'm not sure I understand your question.

11 Q So we just went through the way that the
12 Strategic Plan & Self-Assessment Guide is
13 structured, and you told me that there is a rating
14 scale for every action item that is included in the
15 strategic plan, right?

16 A Correct.

17 Q Am I correct in understanding that this
18 rating was a rating of a regional GNETS programs
19 implementation of action items?

20 A It is a rating of -- it's a
21 self-assessment rating of each GNETS, and they would
22 rate the scale according to the evidence that they
23 were able to provide.

24 Q So the ratings that appear in the
25 Strategic Plan & Self-Assessment Guide are

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1 self-assessments by the regional GNETS programs of
2 themselves?

3 A It is a -- it is a self-assessment guide.

4 Q Okay. Were the ratings that regional
5 GNETS programs assigned to themselves initially the
6 final ratings?

7 A It is my understanding that Nakeba would
8 have reviewed the ratings -- self-assessment guide
9 for each GNETS, and then would have looked for the
10 evidence that supported that rating at the GNETS,
11 and they would have had a discussion about the
12 rating and they would have come to an agreement on
13 the accuracy of the rating.

14 Q So regional GNETS programs would begin by
15 rating themselves on the self-assessment? That's
16 the first step?

17 A Correct.

18 Q And then Ms. Rahming would review the
19 ratings using a self-assessment guide to look for
20 evidence supporting those ratings for each regional
21 GNETS programs? That was kind of a second step?

22 A Correct. Under the resources that were
23 needed to show the justification for the rating.

24 Q Okay. And when Ms. Rahming did that, did
25 she look for the evidence supporting the rating

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1 while on-site with regional GNETS programs?

2 A Yes.

3 Q And then you said while she was on-site
4 that she would have had discussions with the
5 regional GNETS programs about their ratings in light
6 of the evidence that she reviewed related to those
7 ratings?

8 A I cannot say for certain that it was
9 on-site with every -- I'm sorry -- GNETS director
10 because it could have been at a GNETS meeting, and
11 the GNETS director brought their evidence with them.

12 So there could have been a number of ways
13 that she would have reviewed the data supporting the
14 justification for the rating that a GNETS would have
15 assigned their GNETS.

16 Q Okay. But whether her review occurred
17 on-site or elsewhere, she would have reviewed the
18 regional GNETS program's initial self-assessment
19 rating to look for evidence supporting that rating,
20 and then had a discussion with the regional GNETS
21 program about that?

22 A Correct.

23 Q Were the ratings for each regional GNETS
24 program, the sort of final ratings for each regional
25 GNETS program, maintained somewhere?

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1 Q There are four facilities listed on that
2 attachment?

3 Are there four facilities listed on that
4 attachment?

5 A Yes.

6 Q And that attachment, just for the record,
7 appears the placeholder with the Bates-stamp
8 GA00196898.

9 MS. HERNANDEZ: Is that the page I'm
10 missing? I just want to make sure.

11 MS. GARDNER: Yeah. This will be
12 Plaintiff's Exhibit 90.

13 (WHEREUPON, Plaintiff's Exhibit-90 was
14 marked for identification.)

15 BY MS. GARDNER:

16 Q You are being handed what's marked as
17 Plaintiff's Exhibit 90. This is an email from
18 Nakeba Rahming to you. The subject is "try it."

19 The email was sent on July 11, 2016, and
20 is Bates-stamped GA00197241.

21 This is an email that Ms. Rahming sent to
22 you attaching a document titled, "GNETS Exit
23 Strategy Plan - for Priority sites."

24 Is that correct?

25 A Yes.

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1 Q And if you turn to the page beginning with
2 Bates Stamp GA00197242, is this that attached
3 document that's a GNETS exit strategy plan?

4 A Yes.

5 Q If you look on the first page of that
6 strategy plan, the third bulleted point down, in the
7 second sentence in that paragraph, it says: "Nine
8 sites that were identified by GaDOE's initial
9 assessment were prioritized for validation and a
10 more in-depth condition assessment by the
11 contractor."

12 Do you see that?

13 A Yes.

14 Q And then if you turn to Page 2, the third
15 bullet point down, "What will be the message and how
16 will it be delivered?"

17 Am I correct this bullet point references
18 a final assessment of priority sites that yielded
19 nine priority sites that GaDOE has concluded can no
20 longer provide instructional and therapeutic
21 services in the current sites?

22 A Yes.

23 Q So is it fair to say that after the
24 facilities reviews of GNETS facilities were
25 conducted, that there were nine sites where the

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1 Georgia Department of Education concluded that those
2 sites could not continue serving GNETS students?

3 MS. HERNANDEZ: Objection.

4 A Yes.

5 Q And to be clear, when I say cannot
6 continue serving GNETS students, could not continue
7 serving GNETS students in the facilities that they
8 -- in those nine facilities?

9 A The final assessment of priority sites
10 yielded nine propriety sites that GaDOE has
11 concluded can no longer provide instructional and
12 therapeutic sites in the current site.

13 Q And immediately beneath that, it says:
14 "Therefore, GaDOE will issue a mandatory exit plan
15 for all students referring services in any of the
16 nine priority sites." Right?

17 A Yes.

18 Q And what did that mean, that the Georgia
19 Department of Education would issue a mandatory exit
20 plan for all students receiving services in any of
21 those nine sites?

22 A It meant that the GaDOE would issue a --
23 that the GNETS site create an exit strategy and
24 submit that exit strategy.

25 Q So basically the Georgia Department of

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1 Education was requiring that students be moved out
2 of those nine facilities into some other facility?

3 A They were requiring that that facility --
4 those nine facilities could no longer provide
5 services at those facilities.

6 Q Right. And so would that necessitate
7 moving students from those facilities to somewhere
8 -- to somewhere else?

9 MS. HERNANDEZ: Objection.

10 A If there were students there, it would
11 mean that the exit strategy would have to have a
12 component where a discussion about the students' IEP
13 and where services for that student would be
14 provided.

15 Q And this document was the strategy for
16 supporting -- and on the first page it says:
17 "Supporting schools, LEAs and GNETS when the
18 leadership team at GaDOE determines that the
19 facility should no longer be considered a site to
20 support the instructional and therapeutic needs of
21 students." That's what this document was?

22 A Yes.

23 MS. GARDNER: Can we take a break, short
24 one.

25 THE VIDEOGRAPHER: Off the record at 5:27

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1 p.m.

2 (A recess was taken.)

3 THE VIDEOGRAPHER: We're back on the
4 record at 5:40 p.m.

5 BY MS. GARDNER:

6 Q Ms. Keith Brown, we have been talking
7 about the GNETS facility review process.

8 MS. GARDNER: And I would like to have the
9 court reporter mark this document as
10 Plaintiff's Exhibit 91.

11 (WHEREUPON, Plaintiff's Exhibit-91 was
12 marked for identification.)

13 BY MS. GARDNER:

14 Q The court reporter has handed you
15 Plaintiff's Exhibit 91. This is an email from
16 Stacey Suber-Drake to Nakeba Rahming and you, sent
17 on July 25th, 2016.

18 The subject line is "Forward: Scanned
19 from a Xerox Multifunction Printer."

20 The Bates-stamp on the cover of this email
21 is GA01486054.

22 You received this email from Stacey
23 Suber-Drake?

24 A Yes.

25 Q And this email contains an attachment that

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1 does is a PDF titled "Burwell Program."

2 Do you see that?

3 A Yes.

4 Q What is the document that's attached to
5 this email?

6 A I don't understand your question.

7 Q What is the document that Stacey
8 Suber-Drake was forwarding to you in this email?

9 A It is a document on Georgia State Board of
10 Education letterhead, sent to Dr. Pope.

11 Q And Dr. Pope is the chair of the
12 Carrollton Board of Education?

13 A Correct.

14 Q This letter is sent by Michael P. Royal,
15 who is the chairman of the State Board of Education?

16 A Yes.

17 Q And in this letter Mr. Royal says, in the
18 first paragraph, about halfway down: "423 Alabama
19 Street, Carrollton, GA 30117-3002, has been
20 identified as a facility where children cannot
21 continue to be served. Therefore, students
22 referring services at this facility must immediately
23 be transitioned out of this site before the
24 beginning of the school year."

25 Is that an accurate reading?

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1 A Yes.

2 Q So this is a letter from the State Board
3 of Education notifying the Carrollton Board of
4 Education they have one of the nine facilities that
5 we discussed that students were required to be moved
6 out of?

7 A Yes.

8 Q Did other letters like this go out
9 regarding the other nine facilities that GNETS
10 students were required to be moved out of?

11 A I believe that is accurate.

12 Q And was the language in those letters
13 substantially the same as the language appearing
14 here, with the exception of those parts that
15 reference the specific address of the facility,
16 addressee, that sort of thing?

17 A I would assume the language would be the
18 same, yes.

19 MS. GARDNER: I'm going to ask this be
20 marked as Plaintiff's Exhibit 92.

21 (WHEREUPON, Exhibit-92 was marked for
22 identification.)

23 BY MS. GARDNER:

24 Q The court reporter has handed you what is
25 marked as Plaintiff's Exhibit 92.